

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY \_\_\_\_\_ AMOUNT OF FEE \$

RECEIPT #

DATE HEARD: 01/28/03

BY CZAB # 14

RECEIVED  
FEB 21 2003

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY (signature)

DATE RECEIVED STAMP

\*\*\*\*\*

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z02-286 (02-12-CZ 14-2)

Filed in the name of (Applicant) Jorge & Nancy Hernandez

Name of Appellant, if other than applicant Director, Dept. of Planning & Zoning

Address/Location of APPELLANT'S property: 111 NW 1<sup>st</sup> St., 11<sup>th</sup> floor, Miami, Fla. 33128

Application, or part of Application being Appealed (Explanation) Entire application

Appellant (name): Director, Dept. of Planning & Zoning  
hereby respectfully appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:  
(State in brief and concise language).

1. The Community Zoning Appeals Board-14 decision is inconsistent with the Miami Dade County Comprehensive Development Master Plan
2. The CZAB - 14's decision does not comply with the site development option standards adopted pursuant to Ordinance No. 02-138.

APPELLANT MUST SIGN THIS PAGE

Date: 21<sup>st</sup> day of February, year: 2003

Signed

Diane O'Quinn Williams

Diane O'Quinn Williams

Print Name

111 N.W. First Street, Miami, FL 33128

Mailing Address

305-375-2840

Phone

305-375-2795

Fax

**REPRESENTATIVE'S AFFIDAVIT**

If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_

Notary Public

(stamp/seal)

Commission expires:

## ZONING HEARING APPLICATION

## MIAMI-DADE COUNTY

ALL FOLIO NUMBERS ARE REQUIRED

30-6821-000-0740RECEIVED  
OCT 2 - 2002ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.BY [Signature]

Date Received Stamp

PLEASE TYPE OR PRINT LEGIBLY, IN INK, ALL INFORMATION ON APPLICATION

1. Name of Applicant Jorge J. Hernandez & Nancy C. Hernandez

a. if applicant is owner, give name exactly as recorded on deed.

b. if applicant is lessee, attach copy of valid lease of 1 year or more and Owner's Sworn-to-Consent form.

c. if applicant is corporation, partnership, limited partnership, or trustee, a separate Disclosure of Interest form must be completed.

Mailing Address 12120 SW 80 STCity Miami State FL Zip 33183Tel. # (during working hours) (786) 295-3068 Other (305) 271-34782. Name of Property Owner Jorge J. Hernandez & Nancy C. HernandezMailing Address 12120 SW 80 STCity Miami State FL Zip 33183Tel. # (during working hours) (786) 295-3068 Other (305) 271-34783. Contact Person Jorge HernandezMailing Address 12120 SW 80 STCity Miami State FL Zip 33183Tel. # (during working hours) (786) 295-3068 Other (305) 271-3478

## 4. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION

- a. if subdivided, provide lot, block, complete name of subdivision, plat book and page number.
- b. if metes and bounds description, provide complete description, (including section, township and range).
- c. submit 7 copies of a survey if property is odd-shaped (1" to 300' scale).
- d. if separate requests apply to different areas, provide the legal description of each area covered by a separate request.
- e. attach a separate, typed sheet if necessary. Verify the legal is correct.

The West 181.5 Feet of The East 1427 Feet  
of The North 300 feet of The South 1943 Feet  
of The NE 1/4 of The Section 21, Township 56 South,  
Range 38 East

5. Address or location of subject property: SW 209 Ave & SW 234 ST.6. Size of property: 181.5 ft. X 300 ft. Acres 1.257. Date subject property acquired ☒ or leased ☐ 10 day of June, 2002

Term of lease \_\_\_\_\_ years/months.

8. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property. (If lengthy, please type on a sheet labeled "Contiguous Property".)

NO

9. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto? ☐ yes or ☒ no

If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.)

10. Present zoning classification(s):

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require a special exception to permit site plan approval except for rezoning to residential of 3 acres or less.

- ☐ District Boundary (Zone) Change(s):  
Zone classifications requested
- ☐ Special Exception to permit Site Plan Approval for
- ☐ Unusual Use
- ☐ Use Variance
- ☒ Non-use Variance
- ☐ Special Exception
- ☐ Modification of previous resolution/plan
- ☐ Modification of Declaration or Covenant

12. Has a public hearing been held on this property within the last year & a half? ☐ yes ☒ no

If yes, applicant's name

Date of hearing

Nature of hearing

Decision of hearing

Resolution #

13. Is this hearing being requested as a result of a violation notice? ☐ yes ☒ no

If yes, give name to whom violation notice was served

Nature of violation

14. Are there any existing structures on the property? ☐ yes ☒ no

If yes, briefly describe

15. Is there any existing use on the property? ☐ yes ☒ no

If yes, what is the use and when was it established? Use

Established

Date:        /        /

Public Hearing No: \_\_\_\_\_

**RESPONSIBILITIES OF THE APPLICANT**  
**PLEASE READ CAREFULLY BEFORE SIGNING.**

I hereby acknowledge that I am aware that the Department of Environmental Resources Management (DERM), the Public Works Department, and other County agencies review each zoning application and proffer comments that may affect its scheduling and outcome. These comments sometimes include requirements for an additional public hearing before DERM's Environmental Quality Control Board, (the EQCB) or other County boards, and/or the preparation and execution of agreements to run with the land which are recorded, prior to scheduling. I understand that it is my responsibility as the applicant or applicant's representative to promptly follow through with the Compliance of DERM or Public Works requirements or to advise this office in writing if the application will not go forward and may be considered *withdrawn*. Contact with the above mentioned agencies is advised prior to and during the hearing process. You may obtain the telephone numbers and locations of the reviewing departments at the Zoning Hearings Section Counter.

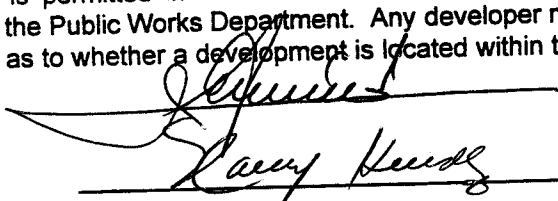
**Fees:** Further I understand that the hearing fees paid at the time of filing may not be the total cost of the hearing, that I will be advised of the following fees which must be paid promptly:

1. additional radius fee. Certain requests require that notices be mailed to all property owners within a ½ mile and in some instances, a mile of the subject property. The number of actual property owners is determined by computer and you will receive a bill for the additional radius fees approximately one month after filing.
2. revision fee, deferral or readvertising fee (if applicant requests deferral), and/or
3. other fees assessed for changes or additions to the hearing application or plans.

I am aware that applications withdrawn within 60 days of the date of filing are eligible for refund of 50% of the hearing fee. After that time, hearings that are withdrawn or returned for inaction will *not* be eligible for a refund.

**Permit Requirements:** I also understand that the South Florida Building Code may contain requirements that affect my ability to obtain a required building permit from the Building Department (10th Floor) for my project, even if my zoning application is approved at public hearing. I am aware that a Building Permit is required for almost all construction and that I am responsible for obtaining any required permits, all required inspections, and the Certificate of Use and Occupancy or Certificate of Completion for any and all structures and additions whether proposed or existing without permits. Additionally, I am aware that a Certificate of Use and Occupancy must be obtained for the use of the property, after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or Use and Occupancy will result in the initiation of Enforcement action against the occupant and owner. I further understand that submittal of the Zoning Hearing application will not necessarily forestall enforcement action against the property.

**Residential construction within 2 miles of a Blasting Site:** Persons applying for a residence or residential development located within two miles of a permitted rock mining operation where blasting is permitted must record in the public records of Miami-Dade County a notice that the proposed development is within two miles of the blasting site, prior to the issuance of the first development permit. The notice must provide the location of the blasting site and state that such blasting is regulated by Chapter 13 of the Code of Miami-Dade County. Notice must be given to and signed by buyers with purchase contracts within the development. Maps showing permitted rock mining operations where blasting is permitted in Miami-Dade County are available in the Department of Planning and Zoning (DP&Z) and in the Public Works Department. Any developer may request a written opinion from the Director of Public Works as to whether a development is located within the two-mile area.

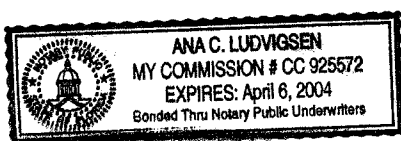
  
(Signature)

Jorge J. Hernandez & Nancy C. Hernandez  
(Print Name)

Notary: Sworn to and subscribed before me this  
1<sup>st</sup> day of October 2003

Ana C. Ludvigsen  
Notary Public - State of Florida

My commission expires April 6, 2004



APPLICANT'S AFFIDAVIT

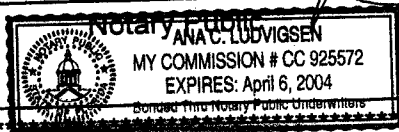
OWNER OR TENANT AFFIDAVIT

I, Dorge J. Hernandez Nancy C. Hernandez, being first duly sworn, depose and say that I am the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

Sworn to and subscribed to before me this 1<sup>st</sup> day of October, 2002

Signature

Commission Expires



CORPORATION AFFIDAVIT

We, \_\_\_\_\_, being first duly sworn, depose and say that we are the ☐ President ☐ Vice President, and ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

(Corp. Seal)

ATTEST:

President's Signature

Secretary's Signature

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public  
Commission Expires \_\_\_\_\_

PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; that all answers to the questions in said application and all sketches, data, and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the ☐ owner/ ☐ tenant of the property described herein which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before the application can be submitted and hearing advertised.

Name of Partnership)

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public  
Commission Expires \_\_\_\_\_

ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketch data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

Signature

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public  
Commission Expires \_\_\_\_\_

OWNERSHIP AFFIDAVIT  
FOR  
INDIVIDUAL

STATE OF FLORIDA

Public Hearing No. \_\_\_\_\_

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Jorge J. Hernandez & Nancy C. Hernandez  
hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says: HERNANDEZ

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.
2. The subject property is legally described as:  
West 181.5 Ft. of East 1427 Ft. of North 300 Ft.  
of South 1943 Ft. of NE 1/4 of Section 21, Township  
56 South, Range 38 East
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

ANTONIA ROSARIO

Print Name

Antonia

Signature

RITA M. CARRERA

Print Name

Affiant's signature

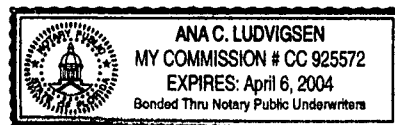
Jorge J. Hernandez & Nancy C. Hernandez

Print Name

Sworn to and subscribed before me on the 1<sup>st</sup> day of October,  
2002. Affiant is personally known to me or has produced \_\_\_\_\_ as  
identification.

Analudmy  
Notary Public-State of FLORIDA

My Commission Expires:



PH # \_\_\_\_\_

## Notice to all Applicants

### Advisories from the County Attorney's Office

#### Advisory 1

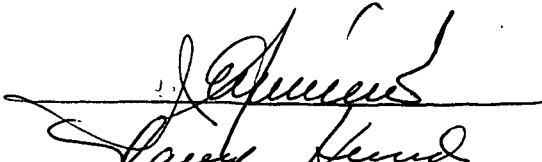
A recent decision of the Third District Court of Appeal has ruled that zoning applications that are inconsistent with the Comprehensive Development Master Plan cannot be approved by a zoning board based upon considerations of fundamental fairness.

Applicants are advised that if their hearing request is inconsistent with the Comprehensive Development Master Plan and they decide to go forward with the public hearing they cannot be approved under considerations of fundamental fairness, but can only be denied or deferred.

#### Advisory 2

In *Miami-Dade County v. Omnipoint Holdings, Inc.*, Case No. 3D01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the Third District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearings and modifications of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.

By signing below the applicant acknowledges that they have read and understood this Notice.

  
\_\_\_\_\_  
Signature

10/01/02  
Date

Jorge J. Hernandez & Nancy C. Hernandez  
Print name

\_\_\_\_\_



21/56/38  
AKA 238.

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF DADE

BEFORE ME, the undersigned authority, personally appeared IRMA V. HERNANDEZ, hereinafter called affiant who being by me first duly sworn, on oath, deposes and says:

1. That Affiant is an Attorney at Law who has reviewed title to the following property:

The West 181.5 feet of the East 1427 feet of the North 300 feet of the South 2293 feet of the NE 1/4 of Section 21, Township 56 South, Range 38 East, lying and being in Dade County, Florida a/k/a Lot 238 of Bonanza Ranchos, an unrecorded subdivision.

2. That upon examination of the above described real property, affiant found the following documents recorded in the public records of Dade County, Florida:

A. Declaration of Restrictions filed by Bonanza Ranch Estates, Inc, filed August 21, 1972 in Clerk's File No. 72R-187782;

B. Agreement for Deed between Bonanza Ranch Estates, Inc. And Clause Schnau in which Bonanza Ranch Estates, Inc. Subdivided the Tract cannot be located at this time.

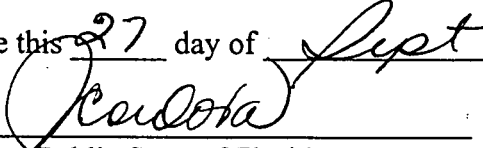
3. Affiant further states that on the basis of this Affidavit, the Dade County Building and Zoning Department can except the above described property from the requirement of a minimum area of five (5) acres fro a building site as required in Dade County Code #33-280 (Ordinance #74-16) or #33-196 and #33-234(1) (Ordinance #74-17).

4. Affiant further states that this affidavit can and may be place on the public records of Dade County, Florida.

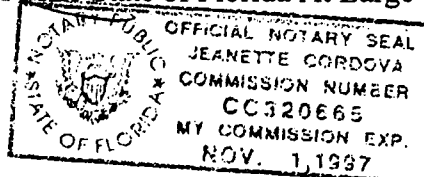
5. Affiant further states that she is familiar with the nature of an oath and with the penalties as provided by the laws of the State aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that she has read, or has heard read to her the full facts of this affidavit, and fully understand its context and meaning.

  
(Seal)  
Irma V. Hernandez, Attorney

Sworn to and subscribed before me this 27 day of Sept, 1995.

  
Notary Public State of Florida At Large

My commission expires:



DEMA V. HERRANDEZ  
215 W. 49th  
Miami FL 33132

OFF. REC. 1644602473

This Instrument Prepared by:  
JOSEPH T. ROBINSON, ESQ.  
Address: 44 W. Flagler St., #300  
Miami, FL 33130

94R350517 1994 JUL 21 10:17

Property Appraisers Parcel Identification (Folio) Number(s):  
3068210000400  
Grantee(s) S.S. #(s):

DOCSTPDEE 180.00 SURTX 135.00  
HARVEY RUVIN, CLERK DADE COUNTY, FL

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**This Warranty Deed** Made and executed the 20 day of July A.D. 19 by  
Tashvit Investment, Inc.  
a corporation existing under the laws of Florida, and having its principal place of business  
at P.O. Box 601052, N. Miami Beach, FL 33160,  
hereinafter called the grantor, to Andres Diaz, Dolores G. Diaz and Juana T. Diaz a single woman,  
whose post office address is 20900 S.W. 232 St  
Miami FL 33170

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument, singular and plural, the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**Witnesseth:** That the said grantor, for and in consideration of the sum of \$ 10.00 and  
other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell,  
alien, remise, release, convey and confirm unto the grantee all that certain land situate in  
Dade County, State of Florida, viz:

The West 181.5 feet of the East 1427 feet of  
the North 300 feet of the South 2293 feet of  
the NE 1/4 of Section 21, Township 56 South,  
Range 38 East, in the Public Records of Dade  
County, Florida (Lot 238 of Bonanza Ranchos).

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
HARVEY RUVIN,  
Clerk of Circuit & County  
Courts

**Together,** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise  
appertaining.

**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that  
it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said  
land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all  
encumbrances.

(CORPORATE SEAL)

**In Witness Whereof** the said grantor has caused these  
presents to be executed in its name, and its corporate seal to be hereunto  
affixed, by its proper officers thereunto duly authorized, the day and  
year first above written.

ATTEST:

Signed, sealed and delivered in the presence of:

Witness Signature

Printed Name

Witness Signature

Printed Name

STATE OF Florida

COUNTY OF Dade

Shlomo Siama

respectively of Tashvit Investment, Inc. known to me to be the President and  
the foregoing instrument was executed, and that I have personally acknowledged executing the same for such corporation, freely  
and voluntarily, under authority duly vested in them by said corporation, and that the seal affixed thereto is the true corporate  
seal of said corporation, that I relied upon the following for of identification of the above-named person:  
personally known to me and that an oath (was)(was not) taken.

NOTARY RUBBER STAMP SEAL

Witness my hand and official seal in the County and State last aforesaid  
this 20th day of July, A.D. 1994

#CC 175407

Printed Notary Signature